

DEWEY & LeBOEUF LLP
1950 University Avenue, Suite 500
East Palo Alto, CA 94303-2225

DEWEY & LeBOEUF LLP
Barbara A. Caulfield (SBN 108999)
E-mail: bcaulfield@dl.com
Peter E. Root (SBN 142348)
E-mail: proot@dl.com
1950 University Avenue, Suite 500
East Palo Alto, California 94303
Telephone: (650) 845-7000
Facsimile: (650) 845-7333

DEWEY & LeBOEUF LLP
1101 New York Avenue, N.W., Suite 1100
Washington, DC 20005
Telephone: (202) 346-8000
Facsimile: (202) 346-8102

DEWEY & LeBOEUF LLP
1301 Avenue of the Americas
New York, New York 10019
Telephone: (212) 259-8537
Facsimile: (212) 259-6333

Attorneys for
BROCADE COMMUNICATIONS SYSTEMS, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

MARY E. BARBOUR AS TRUSTEE FOR THE
MARY E. BARBOUR FAMILY TRUST ONE,
Derivatively On Behalf of BROCADE
COMMUNICATIONS SYSTEMS, INC.,

Plaintiff,

vs.

GREGORY L. REYES, DAVID L. HOUSE,
MICHAEL KLAYKO, RICHARD
DERANLEAU, KUMAR MALAVALLI,
ANTONIO CANOVA, MICHAEL J. BYRD,
STEPHANIE JENSEN, NEIL DEMPSEY,
SANJAY VASWANI, L. WILLIAM KRAUSE,
ROBERT R. WALKER, GLENN C. JONES,
MICHAEL J. ROSE, SETH D. NEIMAN,
NICHOLAS G. MOORE, CHRISTOPHER B.
PAISLEY, WILLIAM K. O'BRIEN, LARRY

Case No. 08-CV-2029

MOTION AND [PROPOSED] ORDER
REGARDING LEAVE TO EXCEED
PAGE LIMITS

1 **SONSINI, MARK LESLIE, TYLER WALL,**)
 2 **RENATO A. DIPENTIMA, JOHN W.**)
 3 **GERDELMAN, ROBERT D. BOSSI, KPMG,**)
 4 **LLP, WILSON SONSINI GOODRICH &**)
 5 **ROSATI, P.C. AND DOES 1-25, inclusive,**)
 6 **Defendants,**)
 7 **-and-**)
 8 **BROCADE COMMUNICATIONS**)
 9 **SYSTEMS, INC., a Delaware**)
 10 **corporation,**)
 11 **Nominal Defendant**)

12 Nominal defendant Brocade Communications Systems, Inc. ("Brocade") respectfully
 13 moves pursuant to Local Rule 7-11 for leave to exceed the page limitations specified in Local Rule
 14 7-2 and this Court's Standing Orders dated June 30, 2004. Specifically, Brocade seeks leave to
 15 exceed these page limitations in its opening memorandum of points and authorities in support of its
 16 motion to dismiss the amended complaint in this action or, in the alternative, to realign the parties
 17 and stay this action, dated August 2, 2008.

18 The page limit for a memorandum of points and authorities is 25 pages pursuant to
 19 Local Rule 7-2 and 15 pages pursuant to the Court's Standing Orders.

20 Although Brocade has diligently worked to keep its memorandum of points and
 21 authorities as brief as possible, the nature of this matter, its relation to already pending litigation in
 22 this Court, and the issues raised by plaintiff's amended complaint do not permit Brocade to fully and
 23 adequately brief the issues within the page limits set out in the Local Rules and this Court's Standing
 24 Orders. Brocade's memorandum of points and authorities total 50 pages.

25 WHEREFORE, Brocade respectfully requests that the Court enter an order permitting
 26 it to exceed the page limitations set forth in Local Rule 7-2 and this Court's Standing Orders in its
 27

1 memorandum of points and authorities in support of its motion to dismiss or, alternatively, to realign
2 the parties and stay this action.

3
4 Dated: August 3, 2008

Respectfully submitted,

5 DEWEY & LEBOEUF LLP

6 By: /s/ Peter E. Root

7 Barbara A. Caulfield (SBN 108999)

8 E-mail: bcaulfield@dl.com

Peter E. Root (SBN 142348)

9 E-mail: proot@dl.com

10 1950 University Avenue, Suite 500

East Palo Alto, California 94303

11 Telephone: (650) 845-7000

Facsimile: (650) 845-7333

12 Attorneys for

13 **BROCADE COMMUNICATIONS SYSTEMS,**
14 **INC.**

15 * * *

16 **ORDER**

17 IT IS SO ORDERED

18 DATED: _____

19 JUDGE CHARLES BREYER